

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

November 19, 2001
8:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Mayor Mosher, Deputy Mayor Marshall, Councilmembers Creighton, Davidson, Lee, and Noble

ABSENT: Councilmember Degginger

1. Call to Order

The meeting was called to order at 8:01 p.m. by Mayor Mosher, who presided.

2. Roll Call, Flag Salute

Upon roll call by the City Clerk, all Councilmembers except Mr. Degginger were present. Mrs. Marshall led the flag salute.

3. Communications: Written and Oral

- (a) Kathy Haggart, President of Bellevue Boys and Girls Club, provided a brief history of the club's teen center, Ground Zero, and responded to concerns regarding concerts held at the center. She said the center has received a couple of complaints from residents of Ashley House but no other complaints from any other source. She assured Council and the public that the center will comply with the City's noise ordinance.
- (b) Norm Hansen, representing Neighborhood Network North, encouraged the Council to incorporate neighborhood characteristics and assets into the Land Use, Transportation, and Utilities elements of the Comprehensive Plan during the current five-year review and amendment process.
- (c) Jim Pearman, representing the East King County Convention and Visitors Bureau, submitted a funding request and described the Bureau's critical need for financial assistance to cover the cost of operating the visitor information center for the remainder of the year.

4. Reports of Community Councils, Boards and Commissions

Margaret Lowe, Vice Chair of Bellevue Arts Commission, invited the public to visit downtown's Pedestrian Corridor to see "Voices of the City," a display of photographs and poems created by local residents. Ms. Lowe introduced John Staffeld to read his poem, "June 7, 1999."

5. Report of the City Manager: None.

6. Council Business

Mr. Lee recommended the appointment of Lynn Stafford-Yilmaz to fill the unexpired term of Mary Hirshfield, who submitted her resignation from the Human Services Commission effective December 31, 2001. This term ends May 31, 2002, and Ms. Stafford-Yilmaz will be eligible to serve two additional four-year terms.

☛ Mr. Lee moved to approve the appointment of Lynn Stafford-Yilmaz to fill an unexpired term on the Human Services Commission through May 31, 2002, and Mrs. Marshall seconded the motion.

☛ The motion to approve the appointment of Lynn Stafford-Yilmaz to the Human Services Commission carried by a vote of 6-0.

Deputy Mayor Marshall attended a meeting of the I-405 Executive Committee in which consensus was reached to approve Alternative 3. Alternative 3 adds two general purpose lanes and an HOV lane for bus rapid transit as well as improvements to facilitate freight mobility.

Mr. Noble attended meetings of Puget Sound Regional Council's (PSRC) Transportation Policy Board and Bridle Trails Community Club.

Dr. Davidson attended a Cascade Water Alliance Board meeting, the Association of Washington Cities legislative committee meeting, a salmon strategies meeting, and a water purveyors meeting.

Mr. Lee commended the City's Emergency Preparedness Manager, Barb Graff, for her participation in a recent community discussion reflecting on the events of September 11 and for her leadership in providing a workshop at Factoria Mall to discuss emergency planning and issues with residents. Mr. Lee is confident that Bellevue staff is well prepared for any type of emergency or disaster.

Mayor Mosher attended an American Water Resources Association conference and a meeting of an ad hoc committee to review PSRC's membership structure. Mr. Mosher, a volunteer with Hopelink's food bank, described the current critical need for food donations.

7. Approval of the Agenda

- ➡ Mrs. Marshall moved to approve the agenda, and Mr. Lee seconded the motion.
- ➡ The motion to approve the agenda carried by a vote of 6-0.

8. Consent Calendar

Dr. Davidson requested pulling item 8(e) for Council discussion. Mrs. Marshall requested pulling items 8(a) and (l).

- ➡ Mrs. Marshall moved to approve the Consent Calendar, as amended, and Mr. Creighton seconded the motion.
- ➡ The motion to approve the amended Consent Calendar carried by a vote of 6-0, and the following items were approved:
 - (b) Motion to approve payment of claims for the period ending October 25, 2001, and payroll for the period October 1 through October 15, 2001.
 - (c) Motion to approve payment of claims for the period ending November 9, 2001, and payroll for the period October 16 through October 31, 2001.
 - (d) Motion to award Bid No. 0156 for earthquake damage repair of SE 40th Street boat launch to CDM Engineers and Constructors, Inc. in the amount of \$423,464.83 as the lowest responsive bid.
 - (f) Motion to award Bid No. 0145 for installation of sidewalk along 143rd Avenue SE from 144th Avenue SE to SE 45th Place in the *Somerset neighborhood* in the amount of \$69,110 to Westwater Construction as low bidder. (CIP Plan Nos. NEP-1 and PW-W/B-56)
 - (g) Motion to award Bid No. 0158 for demolition of Dragon Boat Restaurant and Kinko's Copy Center buildings as part of the I-405/Bellevue Downtown Access Project in the amount of \$64,762 to Demolition Dirt Works, LLC as low bidder. (CIP Plan No. PW-I-46)
 - (h) Resolution No. 6618 authorizing execution of an amendment to a professional services agreement with Inca Engineers, Inc. to provide engineering services for improvements to the NE 8th Street and 116th Avenue NE intersection in the amount of \$88,878 for a total contract amount of \$309,510. (CIP Plan No. PW-I-46)
 - (i) Motion to approve change orders 1 through 4 for KLB Construction Inc. (Bid No. 0032) in the amount of \$146,735 for a total revised contract amount of \$3,758,922; and to increase the project budget of CIP Plan No. PW-R-95, Coal Creek Parkway Roadway Improvements, by \$195,000 for a revised total budget

of \$5,141,000 to address a change in conditions and liquefaction of soils as a result of the Nisqually earthquake.

- (j) Resolution No. 6619 authorizing execution of an interlocal agreement with the Washington State Department of Transportation to upgrade the state traffic signal controllers and install connection to the City's traffic signal computer system, and obligating the City to approximately \$90,000 in 2002. (CIP Plan No. PW-M-2)
- (k) Pedestrian Access Improvements
 - (1) Ordinance No. 5329 authorizing execution of a grant agreement and supplements, if necessary, with the Washington State Department of Transportation Office of Local Programs to accept National Highway System/Surface Transportation Program funds in the amount of \$120,000; authorizing expenditures of said grant funds; amending the project budget for CIP Plan No. PW-W/B-56, Pedestrian Access Improvements; amending revenue in excess of estimated revenue; and authorizing an interfund loan to cover temporary cash flow shortages that may result from related grant activity.
 - (2) Resolution No. 6620 authorizing execution of a professional services agreement with Parametrix, Inc. to provide engineering services for sidewalk improvements identified as 112th Avenue SE/South Bellevue Park and Ride Links project in the amount of \$89,548. (CIP Plan No. PW-W/B-56)
- (m) Motion to award Bid No. 0157 to replace the communications system with digital-based communications telemetry units to enhance functionality, allow water system stations to operate as stand alone stations if necessary, and to reduce system control issues during emergency conditions at NE 40th Street Pump Station and at Pikes Peak Reservoir and Pump Station in the amount of \$28,200.96 to S&B Inc. as low bidder. (CIP Plan No. W-90)

Items for Council discussion:

- (a) Minutes of October 22, 2001 Extended Study Session
Minutes of November 5, 2001 Study Session
Minutes of November 5, 2001 Regular Session

Mrs. Marshall requested a revision to a sentence on page 4 of the October 22 Extended Study Session minutes as follows: "Due to the high cost of an overpass, staff is looking at alternatives for potentially widening 148th and 156th Avenues, north of Bel-Red Road only." Mrs. Marshall clarified that Council is not considering widening either arterial south of Bel-Red Road.

- Mrs. Marshall moved to approve the three sets of Council minutes listed as item (a), as amended, and Mr. Lee seconded the motion.
- The motion to approve the three sets of minutes listed as item (a), as amended, carried by a vote of 6-0.
 - (e) Ordinance No. 5328 relating to the Land Use Code amending Chapter 20.30I relating to the public participation process for suggesting amendments to the City's Comprehensive Plan; clarifying the docketing process and criteria for consideration of suggested amendments to the Comprehensive Plan; and amending the provisions of the Bellevue Land Use Code Chapter 20.35 relating to applications for Comprehensive Plan amendments.

Dr. Davidson reiterated his ongoing concern regarding the three-year rule applied to privately initiated Comprehensive Plan Amendments (CPAs). Under the City's current rules, if a privately initiated CPA is denied the applicant must wait three years to resubmit a new application. Dr. Davidson feels applicants should be allowed to resubmit a CPA application within the three-year period if they are changing their request for a property's use.

- Dr. Davidson moved to amend Ordinance No. 5328 by replacing paragraph B under Section 20.30I.143, Annual Docket Adoption Evaluation Decision Criteria, with the following language:

“The suggestion does not refer to a site, or policies or land use issues that have been docketed within the last three years, or at least three years have elapsed from the date of action to change the land use designation of a property; PROVIDED, that the property owner, authorized agent of the property owner or the City may suggest a site specific change to the comprehensive plan designation of a property within three years of a previously docketed suggestion if the new suggestion is for a change in comprehensive plan designation (other than a change from one level of density to another level of density within the same comprehensive plan designation) that differs from the previously docketed suggestion; and”

Mrs. Marshall seconded the motion.

In response to Mr. Creighton, Comprehensive Planning Manager Kathleen Burgess indicated the City Attorney reviewed Dr. Davidson's proposed amendment.

In response to Mr. Noble, Dr. Davidson said the intent of his amendment is to allow an applicant to resubmit a CPA on an annual basis for the same property if a different use is proposed in the new application.

Mr. Noble suggested adding the words “with respect to use” after the word “differs” toward the end of paragraph B. Dr. Davidson accepted the revision as a friendly amendment.

Ms. Burgess commented that the current three-year limit is intended to provide neighborhood protection and land use stability.

Following brief Council discussion, Dr. Davidson said the proposed amendment is necessary in order to preserve individual property rights. Mrs. Marshall noted that property owners are aware of the development potential of a site when they purchase the property. However, they do not necessarily have a right to build something that is not allowed by the current zoning or Comprehensive Plan designation.

- ➡ The motion to amend Ordinance No. 5328 by replacing paragraph B under Section 20.30I.143, Annual Docket Adoption Evaluation Decision Criteria, with the language proposed by Dr. Davidson failed by a vote of 2-4, with Dr. Davidson and Mayor Mosher in favor.

Ordinance No. 5328, as presented by staff, was approved by a consensus vote of 6-0.

- (1) Resolution No. 6621 regarding the Meydenbauer Bridge Replacement Project; and authorizing execution of a grant agreement and supplements if necessary with the Washington State Department of Transportation Office of Local Programs for Federal Bridge Replacement funds currently estimated between \$2.5 million and \$3 million for the Meydenbauer Bridge replacement; and authorizing execution of an amendment to the consulting agreement with TranSystems Corporation for engineering services to comply with WSDOT Local Area guidelines allowing the City to be reimbursed for 80 percent of the contract costs incurred subsequent to the grant approval. (CIP Plan No. PW-M-11)

Mrs. Marshall said she pulled this item to highlight the work of the City's Transportation Department in securing funds for local projects. Transportation Director Goran Sparman said Bellevue recently received a grant to assist in the replacement of Meydenbauer Bridge. The project cost is currently estimated at \$3.5 million. Staff will be updating the cost estimate upon completion of design work within the next few weeks. Mr. Sparman said the City was denied grant funds for the same project in previous years. Approval of the grant will now allow the reallocation of funds to other CIP (Capital Investment Program) projects.

- ➡ Mrs. Marshall moved to approve Resolution No. 6621, and Mr. Noble seconded the motion.

- ➡ The motion to approve Resolution No. 6621 carried by a vote of 6-0.

9. Public Hearings

- (a) Motion to open the public hearing to obtain citizen input regarding the 2001-2002 mid-biennium budget proposal
(Approval of 2001-2002 mid-biennium budget is scheduled for December 3.)

➡ Mr. Creighton moved to open the public hearing, and Mrs. Marshall seconded the motion.

➡ The motion to open the public hearing carried by a vote of 6-0.

The following citizens came forward to comment on the 2001-2002 mid-biennium budget proposal:

- (1) David Plummer provided written comments and urged Council to: 1) direct the city manager to develop and publish a well-organized economic forecast document that can be revised and maintained to reflect new information on a timely basis, 2) direct the city manager to prepare and publish cost of service studies for all City utilities and the Planning and Community Development Department, and 3) delay any increases in utility rates and to immediately reduce City utility tax rates.
- (2) Steve McGraw, Executive Director of the Children's Museum in Seattle, discussed the museum's desire to open an Eastside location in Bellevue Square in the space formerly occupied by Bellevue Art Museum. He requested City of Bellevue funding for the project and thanked Council for its time and consideration.
- (3) Renay Bennett thanked Gary Ameling and Eric Miller for responding to her questions about the budget. She suggested that City employees should be asked to identify cost-cutting measures and proposals. She encouraged Council to continue to monitor the budget and the community's needs.
- (4) Steve Crawford, Director of Capital Projects for the Issaquah School District, thanked Council for its support of the District's impact fees and capital facilities plan. The District is completing its design for the expansion of Sunset Elementary School and will soon begin the permitting process with the City of Bellevue.

➡ Mrs. Marshall moved to close the public hearing, and Mr. Noble seconded the motion.

➡ The motion to close the public hearing carried by a vote of 6-0.

- (b) Motion to open the public hearing to obtain citizen input on vacating a portion of the west half of 145th Place SE at Landerholm Circle

➡ Mr. Creighton moved to open the public hearing, and Mrs. Marshall seconded the motion.

➡ The motion to open the public hearing carried by a vote of 6-0.

City Attorney Richard Andrews explained that this is a statutory procedure in which the Council determines the public advantage for vacating a street. The proposal was initiated by staff and page 9-7 of the Council packet provides specific criteria to be used in Council's decision.

Nancy LaCombe, Project Manager, described the proposal to vacate a portion of the west half of 145th Place SE at Landerholm Circle. She recalled that six alternatives were analyzed for the 148th Avenue SE CIP project. The preferred alternative requires an adjustment to signal phasing and the realignment of Landerholm Circle and the entrance to Bellevue Community College. The realignment of Landerholm Circle requires the acquisition of a portion of a development parcel currently undergoing development review. Through coordination with the developer and the property owner, the possibility of vacating a portion of 145th Place SE in lieu of compensation was discussed. This exchange is subject to the public process and dependent upon Council approval. The realignment of Landerholm Circle will require the acquisition of approximately 7,000 square feet of property (roadway and sidewalks). The street vacation area of 4,700 square feet is proposed as an exchange.

Ms. LaCombe said staff spoke with adjacent and nearby property owners and the community is not opposed to the street vacation. The current development proposal contains a two-story office building with underground and surface parking, with access to and from Landerholm Circle. The City would retain ownership of the right-of-way on one side of the parcel for a trail connection. Staff will return in early February to update Council on project costs and a funding package.

One citizen came forward to comment on the proposed street vacation:

- (1) Victor Salemann spoke on behalf of his father, the owner of Chalet Apartments, who could not attend the meeting this evening. He said the apartment complex was designed with full access to 145th Place so the proposal presents challenges to future access. He and his father understand the importance of the 148th Avenue project and are generally supportive of the street vacation proposal. Mr. Salemann described changes that will be required for the parking lot and the location of garbage equipment in order to accommodate the street vacation. He noted that property access was restricted once before when 148th Avenue was widened.

➡ Mrs. Marshall moved to close the public hearing, and Mr. Noble seconded the motion.

➡ The motion to close the public hearing carried by a vote of 6-0.

Ordinance No. 5324 determining the public advantage in vacating a portion of the west half of 145th Place SE at Landerholm Circle, adjacent to 148th Avenue SE, and vacating the same subject to certain conditions.

➡ Mrs. Marshall moved to adopt Ordinance No. 5324, and Mr. Lee seconded the motion.

In response to Dr. Davidson, Ms. LaCombe clarified that the area to be vacated is approximately 4,700 square feet and the acquisition area is approximately 7,000 square feet.

➡ The motion to adopt Ordinance No. 5324 carried by a vote of 6-0.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

(a) Gross Receipts Business and Occupation Tax Model Ordinance

Interim Finance Director Gary Ameling explained the two actions requested of Council regarding the gross receipts business and occupation (B&O) tax:

- Should the City establish its intent to adopt the gross receipts business and occupation tax Model Ordinance, with Bellevue's exceptions, in 2002 for implementation on January 1, 2003?
- Should the City increase its \$100,000 annual gross receipts B&O tax exemption threshold to account for inflation and to provide for annual inflationary adjustments?

- (1) Resolution No. 6622 declaring the intent to adopt a gross receipts business and occupation tax ordinance based on the Model B&O Tax Ordinance with specific exceptions for Bellevue.

➡ Mr. Creighton moved to approve Resolution No. 6622, and Mrs. Marshall seconded the motion.

➡ The motion to approve Resolution No. 6622 carried by a vote of 6-0.

- (2) Ordinance No. 5330 relating to the business and occupation tax; amending Section 2 of Ordinance No. 4840 as last amended by Section 6 of Ordinance No. 5075 and Paragraph A of Section 4.08.130 of the Bellevue City Code; and establishing an effective date.

➡ Mrs. Marshall moved to adopt Ordinance No. 5330, and Mr. Creighton seconded the motion.

Mr. Lee expressed concern about the potential impact on small business owners of automatic inflationary adjustments to the B&O tax exemption threshold.

Deputy Mayor Marshall requested that this item be brought before Council for review with each biennial budget cycle.

➡ The motion to adopt Ordinance No. 5330 carried by a vote of 6-0.

(b) Eastside Concurrency Study

Assistant Transportation Director Kris Liljeblad said the Washington State Department of Transportation has established a grant for Bellevue, Issaquah, Kirkland, and Redmond to conduct an Eastside Concurrency Study. He requested Council direction regarding the proposed policy interest statement addressing this effort and the acceptance of grant funds.

Mr. Creighton observed that the grant will fund a study but it does not obligate participating cities to implement specific results. Mr. Liljeblad agreed and explained that the intent is to work cooperatively to identify the feasibility of a uniform approach to concurrency measurement.

- ➡ Mrs. Marshall moved to affirm the policy interest statement for the Bellevue-Redmond-Kirkland-Issaquah concurrency study, and Mr. Noble seconded the motion.
- ➡ The motion to affirm the policy interest statement for the Bellevue-Redmond-Kirkland-Issaquah concurrency study carried by a vote of 6-0.

Ordinance No. 5331 authorizing execution of a grant agreement and supplements, if necessary, with the Washington State Department of Transportation (WSDOT) Office of Local Programs to accept State of Washington motor vehicle account funds to conduct the Eastside Concurrency Study; authorizing expenditures of said grant funds; amending the project budget in the amount of \$250,000 for CIP Plan No. PW-R-44, Transportation Planning Studies; amending the General CIP Plan budget by appropriating anticipated revenue in excess of estimated revenue; and authorizing an interfund loan to cover temporary cash flow shortages that may result from related grant activity.

- ➡ Mrs. Marshall moved to adopt Ordinance No. 5331, and Mr. Noble seconded the motion.
- ➡ The motion to adopt Ordinance No. 5331 carried by a vote of 6-0.

- (c) Ordinance No. 5332 regarding the Transportation Improvement Program and adopting a new Transportation Impact Fee Schedule with Impact Fee Areas Map and Trip Generation Rates.

City Manager Steve Sarkozy and Assistant Transportation Director Laurie Gromala requested Council approval of a new Transportation Impact Fee Schedule with impact fee areas map and trip generation rates, to be consistent with the recently amended Impact Fee Project List.

- ➡ Mrs. Marshall moved to adopt Ordinance No. 5332, and Mr. Creighton seconded the motion.

Mr. Noble recommended that the formulas used to calculate impact fees should be reviewed over the next two years. Ms. Gromala confirmed that this is included in staff's 2002 work program.

Dr. Davidson is in favor of a full review, including the Transportation Commission's involvement, of impact fee policies and schedules. Mr. Lee and Mrs. Marshall concurred.

- ➡ The motion to adopt Ordinance No. 5332 carried by a vote of 6-0.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New business: None.

15. Executive Session: None.

16. Adjournment

At 9:42 p.m., Mayor Mosher declared recess to resume the Study Session.

Myrna L. Basich
City Clerk

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